United Nations S/2005/276

Security Council

Distr.: General
25 April 2005

Original: English

Letter dated 25 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 23 February 2005 (S/2005/120). The Counter-Terrorism Committee has received the attached fifth report from Algeria submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-33347 (E) 200505 230505

Annex

Letter dated 25 April 2005 from the Permanent Representative of Algeria to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

On instructions from my Government and further to your predecessor's letter of 26 January 2005, I have the honour to transmit to you herewith the fifth report of Algeria, containing the response to the comments and questions of the Counter-Terrorism Committee concerning the fourth report submitted by Algeria on 16 July 2004 pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

The Government of Algeria stands ready to provide the Committee with any further information that it may require or request.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

Enclosure

[Original: French]

Fifth report of the People's Democratic Republic of Algeria on the implementation of Security Council resolution 1373 (2001)

1. Implementation measures

Act on the suppression of the financing of terrorism and money-laundering

1.1 The Act on the prevention and combating of money-laundering and the financing of terrorism was approved by Parliament and promulgated on 6 February 2005 as Act No. 05-01 (Official Gazette No. 11 of 9 February 2005). The Act has entered into force and is immediately applicable.

On the question of modifications of the Penal Code, it is generally accepted that, in accordance with the principle of parity, the Act on money-laundering is of equal value to the act establishing the Penal Code. The legal effects are the same and, in order to avoid duplication, the reference to be used by judges will be one legislative text, namely the Act on the suppression of the financing of terrorism and money-laundering.

The aforementioned Act No. 05-11 provides in its chapter V for penal measures whose nature it will be for the judge to determine and financial penalties that will vary according to the situation from 5,000 to 10,000 dinars (article 31) and may be as much as 5 million dinars (article 34).

Transfer of money through the "hawala" system

1.2 Hawala, as a procedure for the transfer of money, is not practised in Algeria. The Algerian banking system does not favour this method of payment and transfer. Informal transfers are illegal and are punished by law.

Financial flows from Algeria to the rest of the world go through banks and approved intermediaries in accordance with the provisions of order No. 03-11 of 26 August 2003 on money and credit.

Furthermore, order No. 96-22 of 9 July 1996 on the punishment of infringements of the regulations on foreign exchange and transfers of capital to and from other countries makes non-compliance with the relevant legal procedures an offence, punishable by imprisonment, and extends liability for such acts to all physical or legal persons.

In addition to the official channels of banks and financial institutions, the regulations authorize any approved institution to transfer capital in accordance with commercial contracts between Algerian companies and their foreign partners or to transfer the profits of companies legally established in Algeria.

Western Union, which is officially established in Algeria, is authorized to make transfers through the Algerian banking and postal network. Activities of foreign exchange offices are regulated. The opening of a foreign exchange office is subject to the agreement of the Bank of Algeria on the basis of an identification file. Monitoring and registration procedures are in place to check that operations are

carried out in accordance with legal requirements. Foreign exchange offices are also required to make periodic declarations.

Expatriate personnel working in Algeria under commercial contracts are issued a work permit by the Ministry of Labour and Social Affairs. They may, on the basis of their contract of employment, transfer part of their income through the official transfer channels available for that purpose. Bank accounts opened by expatriate personnel must be duly identified in the record of the transaction.

Algerian foreign exchange regulations limit to 7,500 euros the amount of funds (coins and bank notes) that can be exported by Algerian nationals. This sum is required to be issued by a bank, with a supporting document, failing which legal proceedings will be instituted against the offender. The aforementioned amount may not be exceeded unless duly authorized by the Bank of Algeria.

Foreign nationals are required to declare at Algerian border posts the amount of cash being brought into Algeria.

Protocol concerning fixed platforms

1.3 The Protocol is the last of 12 existing instruments that has not yet been ratified by Algeria. The procedure for the ratification of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf has been initiated. The Protocol will be ratified as soon as possible.

The ISPS Code

1.4 In accordance with the recommendations of the International Maritime Organization concerning ship security codes (the International Code for the Security of Ships and Port Facilities — ISPS Code), Algeria has established a comprehensive national security system for port facilities.

Algeria has registered the entry into force of executive decree No. 04-418 of 20 December 2004 on designation of the competent authorities for ship and port facility safety. This regulatory text provides for the practical implementation of the organizational arrangements outlined in order No. 95-24 of 25 December 1995 on protection of the public heritage and the security of persons.

Within this framework, implementation bodies have been established, together with a technical secretariat of the national commission on the classification of sensitive sites, safety committees for civilian commercial ports, port security boards and a wide-ranging internal port facility safety system.

The aim of this reorganization is to meet the demands of the ISPS Code in order to respond more effectively to the new security and safety requirements in ports and ships and to conform to international security standards pertaining to operations between ships and land facilities.

The following measures have been taken within the framework of the implementation of the ISPS Code:

- identification of 11 port facilities subject to the ISPS Code;
- accreditation of classification societies that are members of the International Association of Classification Societies (IACS) and other safety bodies in order

to assist national shipbuilders and port authorities in implementing the ISPS Code;

- launching of assessment and preparation operations for ship and port safety plans;
- certification by Recognized Security Organizations (RSOs) of ships flying the national flag;
- issuance by the maritime authority of international ship safety certificates for all national shipping engaged in international trading operations for a period of five years;
- transmission to the International Maritime Organization of Algeria's report on the status of implementation of the ISPS Code.

Moreover, on 27 February 2005, Algeria organized in collaboration with its American partner Northeast Maritime Institute (NMI) a maritime and port safety drill involving 11 commercial ports and 17 ships of the maritime oil transportation company.

Exercise controller training and incident command system training courses have been started for members of the National Committee for Maritime and Port Security. National study days have also been organized for maritime and port administration managers and personnel in order to acquaint and familiarize them with the new measures introduced by the ISPS Code.

2. Assistance and guidance

As regards technical cooperation, Algeria is seeking resolutely with its partners to establish lasting cooperation in the fight against terrorism. To this end it has concluded a series of cooperation agreements and legal aid and mutual assistance conventions and is negotiating others.

As the host country of the African Centre for Study and Research on Terrorism, Algeria intends to develop the capacities of the Centre and contribute to the development of its activities. The collaboration of other partners and of international bodies and centres for assistance, research and training will enable the Centre to discharge its mandate effectively and play its role as a credible partner in the fight against international terrorism.

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Security Council

Distr.: General
29 April 2005

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Letter dated 28 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 14 August 2002 (S/2002/958). The Counter-Terrorism Committee has received the attached second report from Benin submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-33305 (E) 310505

Annex

[Original: French]

Note verbale dated 28 April 2005 from the Permanent Mission of Benin to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Benin to the United Nations presents its compliments to the United Nations and has the honour to transmit the attached second report of Benin on measures taken in implementation of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

[Original: French]

Second report of the Republic of Benin in implementation of Security Council resolution 1373 (2001) on counter-terrorism

Subparagraph 1 (a)

Legal or other measures to prevent and suppress the financing of terrorist acts

In implementation of the International Convention for the Suppression of the Financing of Terrorism (New York, 1999), Benin has integrated the suppression of the financing of terrorism in all its forms into its positive law.

The draft Penal Code stipulates in article 567 bis, paragraph 2, that the procedure for freezing, seizure or confiscation of assets belonging to or intended for a terrorist group or derived from a terrorist act shall be that provided under the Act on capital.

Currently, no specific act in Benin's legislation requires the notary or attorney to report the fraudulent origin of suspicious transactions.

By Decree No. 2004-359 of 24 June 2004, the Government of Benin submitted to the National Assembly the anti-money-laundering bill, essentially a community text valid in all the States members of the West African Economic and Monetary Union (WAEMU). The bill covers the definition, prevention, detection and suppression of money-laundering.

The implementation of the law happens through the signing of the decree establishing the National Financial Information Processing Unit (CENTIF), after the adoption and promulgation of the above-mentioned Act, that will enable close cooperation between CENTIF and administrative and judicial bodies in seeking evidence regarding money-laundering activities, the imposition of administrative and disciplinary measures and criminal penalties.

The repressive provisions of the Act concern investigative measures, the lifting of professional secrecy, administrative and disciplinary sanctions, interim measures of protection by the State (seizure or confiscation of assets relating to the violation), freezing of assets and financial operations concerning such assets, prison sentences of three to seven years and fines equal to three times the amount of the assets or funds that were the subject of the money-laundering operation.

Attempted money-laundering is punishable by the same sentence and, in the presence of aggravating circumstances, these sentences are doubled.

Furthermore, a new counterfeiting act was adopted by the Parliament during October 2003.

Thus all economic offences likely to be used to launder money are increasingly becoming a subject of concern to the Government of Benin.

Subparagraph 1 (b)

The legal measures taken by Benin for the suppression of terrorism are:

- Review of the regulations concerning transfer of funds abroad in the WAEMU area in the context of the Convention for the Suppression of the Financing of Terrorism.
- In those regulations, henceforward neither the State nor individuals may transfer funds for the benefit of private individuals. The new law requires that deposits must be made on behalf of legal persons duly registered with the competent body.

Subparagraph 1 (c)

1. At the administrative level, CENTIF may, based on serious and reliable reports in its possession which can be corroborated, oppose the execution of a transaction within the deadline mentioned by the declarer.

2. In the legal area (investigative measures), the examining magistrate may order various actions, in accordance with the law, for a fixed time period, without professional secrecy being invoked, in particular:

- The monitoring of bank accounts and similar accounts, when there are serious indications giving reason to suspect that they are being utilized or could be utilized for operations connected to the original infraction or other infractions under the law.
- Access to network systems and computer servers utilized or likely to be utilized by individuals when there are serious indications of their participation in the original infraction or other infractions under the law.
- The communication of authentic or private instruments and banking, financial and commercial documents.

It may also order the seizure of the above-mentioned instruments and documents.

The examining magistrate may order interim measures of protection, in accordance with the prevailing law, at State expense, in particular the seizure or confiscation of assets related to the infraction which is under investigation and any evidence allowing them to be identified, as well as freezing of sums of money and financial operations having to do with those assets.

The lifting of these measures may be ordered by the examining magistrate under the conditions provided by law.

Subparagraph 2 (a)

The draft Penal Code provides for the suppression of terrorism in all its forms, in implementation of the United Nations conventions to which Benin is a party.

Important legal measures concerning weapons have been taken:

1. The law governing the sale, manufacture, possession, transport and stockpiling of weapons within Benin is Decree No. 61-31/PR/M1/AM of 7 February 1961 concerning the weapons and ammunition regime in the Republic of Benin.

In application of this Decree, each year the Minister of the Interior draws up an order establishing the quota of advanced weapons that may be authorized for import.

It should be noted that the provisions of the above-mentioned Decree do not allow an effective response to the policy of combating the proliferation of light weapons to which Benin has adhered through its participation in the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons.

For this reason, the Government has just introduced a bill to harmonize its administrative and legislative measures with those of other member countries of ECOWAS under the Programme for Coordination and Assistance for Security and Development (PECASED).

As for legal measures on explosives, their import and sale are governed by a State monopoly granted to the Ministry of Mines, Energy and Hydraulics (MMEH).

The legislation in this area consists in the following:

- The code on explosives;
- Decree No. 99-281 of 21 May 1999 on approval of the statute of the Benin Office of Geographic and Mining Research (OBRGM);
- Order No. 032/MMEH/DC/CTMII/OBM/DDM of 17 November 1992 amending Order No. 115/MTPT/DMGM of 22 November 1973 granting the State monopoly for the import and sale of explosives in the Republic of Benin to the Office of Mines, Geology and Hydrocarbons.

The bill establishing the weapons and ammunition regime which was under study by the National Legislation Commission in September 2004 governs the issue.

2. Controlling the proliferation of light weapons.

Control takes place on two levels:

(a) The category of advanced weapons

In this category, imports are regulated by the above legislation. Owners are known, registered and monitored.

(b) Locally produced weapons

The Commission undertook a census of local weapons manufacturers in the country in order to regulate their activities.

3. Articles 90 and 91 suppress and define terrorist acts.

Article 90 — The following infractions, when they are related to an individual or collective action for the purpose of seriously undermining public order through intimidation or terror, constitute acts of terrorism:

1. Voluntary attacks on life, integrity of the person, abduction and kidnapping, hijacking of an aircraft, ship or any other means of transport;

2. Theft, extortion, destruction, degradation and damage, as well as computer-related offences;

3. The manufacture or possession of lethal or explosive machines or devices;

4. The production, sale, importation or exportation of explosives;

5. The acquisition, possession, transport or illicit carriage of explosives or explosive devices;

6. Possession, carriage or transport of weapons of war and munitions;

7. The development, manufacture, possession, stockpiling, acquisition and transfer of biological or toxic weapons.

Article 91 — The act of introduction into the atmosphere, soil or subsoil or waters, including territorial waters, of a substance that can endanger the health of humans or animals or the environment also constitutes an act of terrorism when it is linked to an individual or collective endeavour to cause serious disruption to public order through intimidation or terror.

4. Articles 92 to 94 contain the related penalties.

Article 92. All acts of terrorism are subject to the death penalty.

Article 93. Any person attempting to commit an act of terrorism is exempt from punishment if, having warned the administrative or judicial authorities, that person has been able to prevent the commission of the offence and to identify the other perpetrators, if any.

Article 94. The sentence of imprisonment imposed on the perpetrator of an act of terrorism or his accomplice shall be reduced by half if, by warning the administrative or judicial authorities, he has made it possible to terminate the criminal activity or to prevent the offence from causing death or permanent injury and to identify other perpetrators, if any. When the sentence imposed is life imprisonment, it shall be reduced to a term of 20 years.

Subparagraph 2 (d)

Preventing the use of the territory of Benin to commit terrorist acts from abroad.

- The Constitution;

- Conventions (ECOWAS, African Union, United Nations, etc.)

Subparagraph 2 (e)

The jurisdiction of the courts regarding acts committed outside Benin by a citizen or permanent resident of Benin and acts committed by a foreigner currently in Benin is covered in Title IX of the Code of Criminal Procedure, articles 553, 554 and following.

Title IX: Crimes and offences committed abroad

Article 553 — Any citizen of Benin who is outside the territory of the Republic and is found guilty of an act considered to be criminal under Beninese law may be tried and sentenced in Beninese courts.

Any citizen of Benin who is outside the Republic and is found guilty of an act considered to be criminal under Beninese law may be tried and sentenced in Beninese courts, if the act is punishable under the laws of the country where it was committed. In the case of an offence against the security of the State, counterfeiting

of the State seal or the national currency in circulation, the offence committed outside the territory of the Republic shall be punishable on the same basis as an offence committed in its territory.

The provisions of paragraphs 1 and 2 are applicable to persons who have acquired Beninese citizenship only after the commission of offence with which they are charged.

Article 554 — Anyone who, in the territory of the Republic, becomes an accomplice to a crime or offence committed abroad may be tried and sentenced by Beninese courts, if the act is punishable under both Beninese and foreign law, on the condition that the criminal act or offence has been definitively proved by the foreign court.

Subparagraph 2 (f)

1. Concerning the procedures for mutual assistance in criminal investigation, the procedure instituted either bilaterally or multilaterally shall be followed (either the procedure by the Attorney-General or that of the International Criminal Police Organization (Interpol)).

2. Extradition is governed by bilateral and multilateral agreements:

- Bilateral agreements on judicial assistance, letters rogatory and extradition between Benin and another country (Agreement on cooperation in justice matters between France and Dahomey).
- Multilateral agreements are agreements signed by several countries (Convention A/P 1/792 concerning mutual legal assistance in criminal matters (ECOWAS).

Subparagraph 2 (g)

There exists in the Republic of Benin Act No. 97-025 of 18 July 1997 on the control of drugs and precursors, which provides for the control of production, suppression of illicit trafficking in drugs and precursors and, when necessary, the suppression of laundering of money derived from such trafficking.

Act No. 97-025 stipulates in its second part "the suppression of the illicit production and trafficking of controlled substances and measures against the abuse of narcotics and psychotropic substances".

Indeed, concerning high-risk drugs, dangerous drugs or precursors, there are prison sentences ranging from 1 to 20 years and fines from 100,000 to 5 million CFA francs in cases of:

- Cultivation, production and manufacture;
- Trafficking;
- Facilitation of use;
- Dealing or selling for personal consumption;
- Money-laundering;
- Incitement to violations and illicit use;

– Attempts, association and agreements;

– Complicity.

These sentences can be doubled when there are aggravating circumstances.

This Act provides additional or supplementary penalties and measures and special procedures regarding:

– Obligatory confiscation of plants and substances seized;

– Proceeds derived from the offence;

– Facilities, materials and equipment, real estate or other assets used in the commission of the offence;

– Seizures, searches, monitoring in the postal service, detection through the use of medical investigation techniques;

– Surveillance of deliveries;

– Special investigations and measures intended to facilitate the detection of money-laundering;

– Temporary or permanent closure of commercial or other firms and temporary or permanent prohibition of entry, etc.

In application of this Act, four (4) implementing regulations have been adopted:

– Decree No. 99-141 of 15 March 1999 on the establishment and functions of the Central Office against Illegal Drug Trafficking (OCERTID), which has a role in prevention, detection and investigation of trafficking in narcotics and laundering of the profits gained from such activities; OCERTID should especially support and coordinate the actions of the police, the gendarmerie, customs and the forest service and cooperate with all national or international institutions with the same objectives;

– Decree No. 99-162 of 8 April 1999 on the establishment, composition, duties and operations of the Interministerial Committee to Combat Abuse of Narcotic Drugs and Psychotropic Substances (CILAS), aimed at coordination and management of government policy in combating illicit trafficking and drug abuse;

– Order No. 0057 of 5 March 1999 establishing within the Directorate of the Judicial Police an anti-money-laundering unit, which plays a role in detection and investigation intended to defeat the clandestine financial circuit and money-laundering;

– Interministerial Order No. 0119 of 14 May 2003 establishing [omission in the text];

– It should be noted that Act No. 97-025 on drugs and precursors was examined in a national seminar in 2003 with a view to updating it.

Subparagraph 3 (d)

1. Benin's participation in international instruments against terrorism and transnational organized crime.

2. Benin has ratified the following conventions and protocols;

- Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- United Nations Convention against Transnational Organized Crime and its three Additional Protocols; 1 March 2004;
- International Convention against the Taking of Hostages; accession 1 March 2004;
- International Convention for the Suppression of the Financing of Terrorism.

Subparagraph 3 (g)

Extradition is governed by the Act of 10 March 1927. If the conditions are met, the suspect is extradited. This is necessarily a judicial decision under the jurisdiction of the indictment division of the Appeals Court.

Benin participates in the efforts of the international community to prevent and combat terrorism at several levels:

1. **At the international level**

With the United Nations

Benin participated actively in the elaboration of the Convention against Transnational Organized Crime and its Additional Protocols, signed them on 13 December 2000 in Palermo and ratified them on 1 March 2004.

The work of internalizing them is nearing completion. Technical support from the United Nations Office on Drugs and Crime (UNODC) at Vienna made this possible, along with its participation in the Bamako Seminar of November 2003.

With the International Atomic Energy Agency (IAEA)

Benin participates regularly in seminars held by IAEA on strengthening of the safeguards system, nuclear security, non-proliferation of nuclear weapons, physical protection of nuclear materials, management of radioactive waste, etc.

Benin requested assistance for the implementation of legal instruments on protection against nuclear terrorism.

With the Organization for the Prohibition of Chemical Weapons

As a party to the Convention on the Prohibition of Chemical Weapons, Benin, which considers chemical weapons to be weapons of mass destruction, participates in meetings organized by the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons on various aspects of the development, manufacture, stockpiling and use of chemical weapons and their destruction.

2. **At the regional level**

Benin ratified the OAU Convention on the Prevention and Combating of Terrorism on 1 March 2004. With the support of the International Organization of la Francophonie (OIF), it also took part in the Cairo regional seminar in early September 2003.

3. **At the subregional level**

Benin participates actively in the efforts of ECOWAS and WAEMU in West Africa.

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Security Council

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27 April 2005

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Letter dated 27 April 2005 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

I have the honour to attach herewith the assessment of the work of the Security Council for the month of December 2004, under the presidency of Algeria (see annex).

The assessment was prepared under our responsibility following consultations with the other members of the Council.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

05-32709 (E) 090505

Annex to the letter dated 27 April 2005 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Algeria (December 2004)

Introduction

Under the presidency of Ambassador Abdallah Baali, Permanent Representative of Algeria to the United Nations, the Security Council engaged in an extensive programme of work during the month of December 2004, particularly given the time constraint of completing the programme of work prior to the last week of the month, as is the custom.

During the month the Security Council held 18 consultations of the whole and 10 public meetings, including five open briefings and one open debate (on protection of civilians in armed conflict).

The Council also adopted four resolutions, on the situation in Guinea-Bissau, the situation in Liberia, the situation in the Middle East (UNDOF) and the situation in Burundi, and four presidential statements, on the Democratic Republic of the Congo, protection of civilians in armed conflicts, the Middle East and Côte d'Ivoire.

In addition the President of the Security Council exchanged a number of letters with the Secretary-General, notably on the appointment of Terje Roed-Larsen as Special Envoy for the implementation of resolution 1559 (2004), on the appointments of four experts to the Committee established pursuant to resolution 1540 (2004) and on the extension of the mandate of the United Nations Observer Mission in Bougainville.

The President of the Security Council also issued eight notes, notably on the attendance of the newly elected members of the Council at the meetings of the subsidiary bodies before the beginning of their term of membership; and on the renewal of the mandates of the Security Council working groups on peacekeeping operations, general issues relating to sanctions, and conflict prevention and resolution in Africa, also transmitting the reports on their activities (personal report of the Chairman in the case of the Working Group on Peacekeeping Operations).

Africa

Côte d'Ivoire

On 13 December the Security Council held consultations on the report of the Secretary-General concerning the situation in Côte d'Ivoire (S/2004/962), which was introduced by the Special Representative of the Secretary-General for Côte d'Ivoire, Albert Tévoédjrè. In his presentation he described the political, security and humanitarian situation throughout the country as well as the status of the peace process. He informed members of the Council of the ongoing efforts undertaken by President Thabo Mbeki on behalf of the African Union to reactivate the peace process. He echoed the Secretary-General's recommendation relating to the

reinforcement of the United Nations Operation in Côte d'Ivoire (UNOCI) by the deployment of additional military and police personnel.

Following consultations, the Council on 16 December adopted a presidential statement (S/PRST/2004/48) by which it commended the efforts made by the African Union to promote dialogue and relaunch the peace process. The Council underlined that any failure by the Ivorian parties to respect the commitments made to the facilitator, President Mbeki, would constitute a threat to the peace and national reconciliation process. The Council further requested the Committee established by resolution 1572 (2004) to continue its work, taking into account developments arising from the African Union mediation.

Guinea-Bissau

During consultations on 20 December, the Council reviewed the situation in Guinea-Bissau on the basis of the Secretary-General's report on the activities of the United Nations Peacebuilding Support Office in that country (UNOGBIS). Following the consultations, the Council unanimously adopted on 22 December resolution 1580 (2004), by which it extended the mandate of UNOGBIS for one year. The Council further revised the mandate of the Office as recommended by the Secretary-General in order to allow it to support the efforts of the national authorities in enhancing political dialogue, strengthening the national mechanisms for conflict prevention and carrying out security sector reform.

Liberia

On 21 December the Security Council considered the Secretary-General's interim report on the activities of the United Nations Mission in Liberia (UNMIL) presented by the Special Representative of the Secretary-General, Jacques Paul Klein. The Secretary-General stated in his report that, while progress had been achieved in stabilizing the country and in the implementation of the Comprehensive Peace Agreement, many challenges remained to be tackled such as the preparation for the October 2005 election, the resettlement of internally displaced persons and refugees, the reintegration of ex-combatants and the extension of State authority nationwide.

The Council also reviewed the regime of sanctions against Liberia on the basis of the findings and recommendations contained in the report of the Panel of Experts (S/2004/955). Following consultations among members of the Council, resolution 1579 (2004) was adopted unanimously on 21 December. By that resolution the Council extended the arms, timber and travel bans for 12 months and the ban on diamonds for a period of 6 months. The Council decided to review measures on diamonds in March 2005. It also decided to re-establish the Panel of Experts until 21 June 2005.

Sierra Leone

On 15 December the Security Council considered the Secretary-General's progress report on Sierra Leone (S/2004/965). The members of the Council were briefed by the Special Representative of the Secretary-General for Sierra Leone, Ambassador Daudi Ngelautwa Mwakawago, about the situation on the ground in all its aspects and on steps to be taken for the implementation of the drawdown plan of the United Nations Mission in Sierra Leone, leading to the residual presence.

Sudan

On 7 December, the Under-Secretary-General for Political Affairs, Kieran Prendergast, presented to the members of the Security Council the Secretary-General's monthly report on Darfur (S/2004/947). In his briefing, the Under-Secretary-General said that, since the signing of the Abuja Protocols on 9 November, the situation in Darfur had been relatively calm. However, the security situation had deteriorated rapidly towards the end of November. He said that all parties were responsible for the escalation of violence and for the breaches of the ceasefire agreement, although SLA had instigated much of the violence. He urged the international community to send an unequivocal message to all Sudanese parties to stop acts of violence. He noted that, as a result of the increased insecurity, access to vulnerable persons had fallen from 90 per cent to 80 per cent and the humanitarian situation remained dire. He blamed SLM/A and, to a lesser extent, the Government, for the decrease in access for humanitarian assistance.

Following consultations on the situation in the Sudan held on 21 December, the members of the Council authorized the President to make a statement to the press, by which the Council expressed its deep concern at the degradation of the security and humanitarian situation in Darfur and at the repeated violations of the ceasefire. It condemned those violations and called on the parties to abide by the ceasefire agreement. The members of the Council reiterated their support to the efforts of the African Union and to its mission in Darfur.

Burundi

On 1 December, the Security Council unanimously adopted resolution 1577 (2004) renewing the mandate of the United Nations Operation in Burundi (ONUB) for another period of six months, ending on 31 May 2005.

In statements following the adoption of resolution 1577 (2004) the representatives of France, the United Kingdom and Spain underlined the signal sent by the Council to those who claimed responsibility for the Gatumba massacre and welcomed the decision by the Government of Burundi to conduct its own inquiry aimed at identifying those responsible and to request the assistance of the International Criminal Court in prosecuting them. For his part, the representative of the United States stressed the need for the Government of Burundi to put in place the Truth and Reconciliation Commission in a timely manner in order to put an end to impunity.

Democratic Republic of the Congo

At the request of the Government of the Democratic Republic of the Congo, the Security Council held an urgent meeting on 2 December during which the members of the Council were briefed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, on the alleged movement/incursion of Rwandan troops into the eastern province of North Kivu in the Democratic Republic of the Congo. During his briefing, the Under-Secretary-General said that he considered the Rwandan threats troubling and destabilizing and expressed the fear that, if carried out, those threats would have a devastating effect on the whole peace process in the Democratic Republic of the Congo. The members of the Council unanimously expressed their concern regarding this latest deterioration of the security situation in the eastern part of the country.

On 7 December, the Council adopted a presidential statement (S/PRST/2004/45) relating to the situation in the border area between Rwanda and the Democratic Republic of the Congo, in which the Council noted that the reported events and threats were contrary to all peace agreements, declarations and protocols signed by regional States since 1998. It called on all States to commit themselves to making use of the mechanisms they had agreed to establish and to devote their resources to the promotion of peace and stability.

The Council members were briefed on 22 December by the Under-Secretary-General for Peacekeeping Operations on the situation in the province of North Kivu following the fighting around the town of Kanyabayonga between the armed forces of the Democratic Republic of the Congo and rebel groups thought to be pro-Rwandan. During the briefing, the Under-Secretary-General informed Council members of the creation by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of a buffer zone to help humanitarian assistance reach the tens of thousands of internally displaced people following the fighting around Kanyabayonga. He also insisted on the fact that the absence of a clear strategy to reform the security sector and create a truly integrated national army would continue to endanger the peace process in the country. He answered questions from members of the Council regarding sexual abuse and exploitation by MONUC personnel. He regretted, in this regard, that the United Nations was criticized at the very moment it was devising a strategy to tackle this problem and sanction those responsible.

Mission to Central Africa

The Permanent Representative of France, Ambassador Jean-Marc de La Sablière, presented on 7 December the report of the Security Council mission to Central Africa (S/2004/934). During his presentation, Ambassador de La Sablière underlined the progress made in the peace processes both in Burundi and in the Democratic Republic of the Congo. He warned against the difficulties and challenges facing those two countries as they approached the end of their transition periods. Among the difficulties, he mentioned the presence of FDLR in the eastern Democratic Republic of the Congo, which also created problems for Burundi, given the fact that FNL-Rwasa was finding support among ex-FAR/Interahamwe elements in the Democratic Republic of the Congo.

Somalia

On 16 December, the Permanent Representative of the Philippines and Chairman of the Committee established pursuant to resolution 751 (1992) presented his statement to the Security Council on the mid-term report of the Somalia Monitoring Group, in which it was noted that the arms embargo continued to be violated by individuals and groups in and outside Somalia and that countries in the region lacked the means to properly monitor the implementation of the embargo. The members of the Council were of the view that the peace process in Somalia needed to be encouraged and reinforced by the international community as a matter of priority and that the neighbouring countries should fully implement its relevant resolutions dealing with the arms embargo.

Ethiopia and Eritrea

The Security Council held consultations on 21 December and was briefed by the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, on the progress report of the Secretary-General on Ethiopia and Eritrea (S/2004/973 and Corr.1). In his presentation, the Assistant Secretary-General insisted on the five points initiative of 25 November 2004 by the Government of Ethiopia to resolve the stalemate in the situation between the two countries. He encouraged Council members, in this regard, to react positively to the Ethiopian initiative to help resolve the border dispute, and reiterated the view expressed by the Secretary-General in his report that the demarcation process must be based on the decision of the Boundary Commission, confirming that his good offices through his Special Envoy would continue to be available. The Council adopted a statement to the press, in which it welcomed the peace plan of the Government of Ethiopia and the continued acceptance by Eritrea of the Boundary Commission's decision. The Council also encouraged the two countries to work towards a full normalization of their relations and to reiterate their commitment to the Algiers Agreement.

Middle East

Palestine

Stressing on 16 December that there was, once again, a window of opportunity to revitalize the peace process, the Under-Secretary-General for Political Affairs urged the international community to encourage the parties to persevere as they moved along the narrow and difficult road to a just, lasting and comprehensive peace. Both parties seemed to have realized the potential for change inherent in the present situation. A recent poll had shown that Palestinians once again looked to the future with hope.

Israel/Syrian Arab Republic

On 15 December, the mandate of the United Nations Disengagement Observer Force (UNDOF) was extended for six months, until 30 June 2005, by a resolution adopted unanimously, accompanied by a presidential statement in which the Council identified itself with the Secretary-General's view that "the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached". It is worth recalling that UNDOF has supervised the ceasefire and disengagement between Israel and Syria since 1974.

Iraq

On 13 December, the Special Representative of the Secretary-General, Ashraf Jehangir Qazi, told the Council in a briefing that, against the backdrop of the overall difficult security situation and polarized public opinion, the upcoming elections would represent a test of the new political order in Iraq and of the transition process under way. It was critical for the elections to provide a platform for the expression of all shades of Iraqi political opinion. While violence, much of it extreme in its brutality and indiscriminate in nature, had disrupted a significant portion of the country, he was convinced that most Iraqis abhorred such violence and demanded a

way out of the situation through the establishment of a government that enjoyed the assent of the majority of Iraqis.

The representative of Iraq insisted that few issues before Iraq loomed larger than the election. He wondered how the United Nations could play the "leading role" mandated by resolution 1546 (2004) if it remained largely insulated from the Iraqis. The phrase "as circumstances permit" should not be used to justify insufficient presence on the ground in Iraq, he stressed.

No action was taken by the Council.

Asia and the Pacific

Bougainville

On 23 September, the Security Council held informal consultations on the situation in Bougainville. The Assistant Secretary-General for Political Affairs, Danilo Türk, briefed the Council on the latest developments in the Bougainville peace process.

The members of the Council welcomed the adoption of the Constitution and the progress made towards the destruction of arms. They insisted on the important role of the United Nations Observer Mission in Bougainville and agreed on the extension of its mandate for a period of six months (until June 2005) as proposed by the Secretary-General in a letter addressed to the President of the Council dated 21 December 2004 (S/2004/1015), after a request from the Government of Papua New Guinea.

The President of the Security Council informed the Secretary-General, in a letter, that the Council members took note of the recommendation contained in his letter. The Council also requested the Secretary-General to submit a report to the Council within three months on an assessment of the situation on the ground and on a mission-closure plan.

Other

Protection of civilians in armed conflict

The Security Council held an open debate on 14 December on protection of civilians in armed conflict under the presidency of Abdelaziz Belkhadem, Minister for Foreign Affairs of Algeria. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Jan Egeland, gave an assessment of progress made in the implementation of the 10-points platform he had presented the previous year to the Council. Following this biennial debate, the Council adopted a presidential statement, in which it reaffirmed its strong condemnation of all acts of violence targeting civilians during armed conflicts. The Council recognized the importance of a comprehensive, coherent and action-oriented approach to protection of civilians in armed conflict. It stressed also the need for regional and subregional organizations to develop a regional protection strategy.

Committee established pursuant to resolution 1540 (2004)

The Security Council had called for the establishment of the Committee in resolution 1540 (2004), adopted on 28 April 2004, and decided that all States should refrain from providing any support to non-State actors that attempted to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

In his first report to the Council, on 9 December, Ambassador Mihnea Motoc (Romania), Chairman of the Committee, said that the Committee's efforts had been focused, until now, on making the Committee fully functional and operational before it started consideration of the first national reports submitted by Member States. He added that, with a structure now in place which included four experts and two more to be nominated, the monitoring body was now ready to begin consideration of the national reports. He informed the Council that the Committee had decided to establish three subcommittees with a view to sharing the task of considering reports, each covering an equal number of States grouped in alphabetical order.

Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Pursuant to paragraph 12 of Security Council resolution 1526 (2004), the Chairman of the Committee should brief the members of the Council every 120 days on the activities of the Committee and the activities of the Monitoring Team.

The Committee has put a great deal of effort into formulating the written assessment pursuant to resolution 1455 (2003). The Monitoring Team has, inter alia, assisted the Committee in the monitoring of States' implementation of the sanctions measures.

The priorities of the Committee remain its list and the identification of possible improvements to the current sanctions measures, which should be forwarded to the Security Council prior to the adoption of a new resolution in mid-2005.

Chairmen of sanctions committees and working groups

On 22 December the outgoing Chairmen of the committees and working groups of the Security Council, namely Ambassador Mounir Akram (Pakistan), Chairman of the Committee established pursuant to resolution 1521 (2003) concerning Liberia, Ambassador Gunter Pleuger (Germany), Chairman of the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, Ambassador Heraldo Muñoz (Chile), Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban, and Ambassador Ismael Gaspar Martins (Angola), Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, assessed the work of their respective committees and working groups. They underlined the crucial and central role those bodies played in the work of the Council, from combating terrorism to preventing and resolving conflicts to implementing and monitoring sanctions.